

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1339 be amended to read as follows:

- 1 Page 3, after line 14, begin a new paragraph and insert:
2 SECTION 4. IC 31-32-5-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. Any rights
4 guaranteed to a child under the Constitution of the United States, the
5 Constitution of the State of Indiana, or any other law may be waived
6 **on the record in open court** only:
7 (1) by counsel retained or appointed to represent the child if the child
8 knowingly and voluntarily joins with the waiver;
9 (2) by the child's custodial parent, guardian, custodian, or guardian
10 ad litem if:
11 (A) that person knowingly and voluntarily waives the right;
12 (B) that person has no interest adverse to the child;
13 (C) meaningful consultation has occurred between that person and the
14 child; and
15 (D) the child knowingly and voluntarily joins with the waiver **after**
16 **having consulted with an attorney retained or appointed to**
17 **represent the child;** or
18 (3) by the child, without the presence of a custodial parent, guardian,
19 or guardian ad litem, if:
20 (A) the child knowingly and voluntarily consents to the waiver; and
21 (B) the child has been emancipated under IC 31-34-20-6 or IC
22 31-37-19-27, by virtue of having married, or in accordance with the
23 laws of another state or jurisdiction.
24 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1339 as printed March 30, 2007.)

Senator HOWARD